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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

PLAINTIFF'S LIST OF ALL OTHER WITNESSES

Pursuant to the Court's SECOND AMENDED SCHEDULING ORDER (ECF No. 211), Plaintiff Custodia Bank, Inc. (hereinafter referred to as "Plaintiff" or "Custodia"), by and through its counsel, hereby provides a list of all other witnesses as follows:

Plaintiff WILL call the following witnesses:

1. **KATIE S. COX**
Katie S. Cox
c/o Scott E. Ortiz
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Ms. Cox is a fact witness who has also been retained to testify as an expert witness in this case, pursuant to Rule 26(a)(2). Ms. Cox is currently a consultant within the Financial Services Risk & Regulatory area; she also serves as an advisor to Custodia. As a fact witness, Ms. Cox will testify as to her background and experiences working for the Federal Reserve System; she will also testify as to her knowledge and information regarding the facts and circumstances concerning the implementation of Wyoming's SPDI legislation and the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in those processes. This individual will be deposed on December 8, 2023. It is anticipated that Ms. Cox will testify consistent with her deposition testimony.

2. ESTHER GEORGE

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c/o Christine Carletta
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Ms. George served as the President and Chief Executive Officer of the Federal Reserve Bank of Kansas City (the “Kansas City Fed”) from 2011 through January 2023. It is anticipated that Ms. George will testify as to her knowledge and information regarding the facts and circumstances concerning the passage of Wyoming’s SPDI legislation and the decision to deny Custodia’s master account application, including the involvement of Defendants, the Kansas City Fed and the Federal Reserve Board of Governors (the “Board”), in those processes. This individual was deposed on November 9, 2023.

3. JUDITH HAZEN

Judith Hazen
c/o Christine Carletta
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Ms. Hazen is the Vice President of the Applications and Enforcement Department and Surveillance and Risk Analysis and Banking and Financial Technology functions within the Supervision and Risk Management Division at the Kansas City Fed. It is anticipated that Ms. Hazen will testify as to her personal knowledge and information regarding the facts and circumstances concerning the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in that process. This individual was deposed on October 17, 2023 and November 15, 2023.

4. **TARA HUMSTON**

Tara Humston
c/o Christine Carletta
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Ms. Humston is the Senior Vice President of the Risk Management Division at the Kansas City Fed. It is anticipated that Ms. Humston will testify as to her knowledge and information regarding the facts and circumstances concerning the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in that process. This individual was deposed on November 3, 2023.

5. REPRESENTATIVE OF THE FEDERAL RESERVE BANK OF KANSAS CITY

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Ms. Hazen is the Vice President of the Applications and Enforcement Department and Surveillance and Risk Analysis and Banking and Financial Technology functions within the Supervision and Risk Management Division at the Kansas City Fed, and was designated as a corporate representative of the Kansas City Fed. It is anticipated that Ms. Hazen will testify as a representative of the Kansas City Fed regarding the facts and circumstances concerning the decision to deny Custodia's master account application, including the Defendants the Kansas City Fed and the Board involvement in that process. The Kansas City Fed was deposed on November 16, 2023.

6. CAITLIN LONG

Caitlin Long
c/o Scott E. Ortiz
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Ms. Long is the founder and Chief Executive Officer of Custodia. Ms. Long will testify as to her knowledge and information regarding the facts and circumstances concerning the passage of Wyoming's SPDI legislation and the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in those processes. This individual was deposed on November 29, 2023. It is anticipated that Ms. Long will testify consistent with her deposition testimony.

Plaintiff MAY call the following witnesses:

7. **NICK BILLMAN**

Nick Billman
c/o Christine Carletta
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Mr. Billman is a Vice President and Assistant General Counsel at the Kansas City Fed.

Mr. Billman may testify as to his knowledge and information regarding the facts and circumstances concerning the passage of Wyoming's SPDI legislation; feedback that was provided during the drafting of that legislation, including feedback by Defendants, the Kansas City Fed and the Board; and the removal of references to 12 U.S.C. § 248a, including a provision authorizing the Wyoming Attorney General to commence a civil action to enforce § 248a from that draft legislation.

8. ROSS CROUCH

Ross Crouch
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Mr. Crouch is a Lead Examiner at the Kansas City Fed. Mr. Crouch may testify as to his knowledge and information regarding the facts and circumstances concerning the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in that process. This individual was deposed on October 25, 2023.

9. JENIFER HAAKE

Jenifer Haake
c/o Christine Carletta
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Ms. Haake is an Assistant Examiner at the Kansas City Fed. Ms. Haake may testify as to her knowledge and information regarding the facts and circumstances concerning the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in that process. This individual was deposed on October 26, 2023.

10. JEFFREY IMGARTEN

Jeffrey Imgarten
c/o Christine Carletta
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Mr. Imgarten is an Assistant Vice President in the Applications Division at the Kansas City Fed. Mr. Imgarten may testify as to his knowledge and information regarding the facts and circumstances concerning the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in that process. This individual was deposed on October 24, 2023.

11. CHRISTI MAY-ODER

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Ms. May-Oder is an Assistant Vice President in Credit and Risk Management in the Reserves Division at the Kansas City Fed. Ms. May-Oder may testify as to her knowledge and information regarding the facts and circumstances concerning the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in that process. This individual was deposed on October 19, 2023, and November 18, 2023.

12. ANDREA MULLINS

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Ms. Mullins is an Assistant Bank Examiner at the Kansas City Fed. Ms. Mullins may testify as to her knowledge and information regarding the facts and circumstances concerning the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in that process. This individual will be deposed on December 7, 2023.

13. JACKIE NUGENT

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Ms. Nugent is an Assistant Vice President in the Financial Services Division at the Kansas City Fed. Ms. Nugent may testify as to her knowledge and information regarding the facts and

circumstances concerning the passage of Wyoming's SPDI legislation; the drafting of the Wyoming Division of Banking's SPDI and digital asset custody rules and supervisory exam manual; the development of internal policies and procedures at the Federal Reserve concerning SPDIs and other non-traditional entities, including the Guidelines for Evaluating Account and Services Requests and Internal Implementation Handbook; and the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in those processes. This individual was deposed on November 15, 2023.

14. VERONICA SELLERS

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Ms. Sellers was the Senior Vice President of the Legal Department and General Counsel at the Kansas City Fed. Ms. Sellers may testify as to her knowledge and information regarding the facts and circumstances concerning the passage of Wyoming's SPDI legislation; feedback that

was provided during the drafting of that legislation, including feedback by Defendants, the Kansas City Fed and the Board; and the removal of references to 12 U.S.C. § 248a, including a provision authorizing the Wyoming Attorney General to commence a civil action to enforce § 248a from that draft legislation.

15. ZEV SHIMKO

Zev Shimko
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Mr. Shimko is the President and Chief Operating Officer of Custodia. Mr. Shimko may testify as to his knowledge and information regarding the facts and circumstances concerning the passage of Wyoming's SPDI legislation and the decision to deny Custodia's master account application, including the involvement of Defendants, the Kansas City Fed and the Board, in those processes. This individual was deposed on November 20, 2023. It is anticipated that Mr. Shimko will testify consistent with his deposition testimony.

16. Pursuant to the Court's June 30, 2023, AMENDED SCHEDULING ORDER (ECF No. 169), Custodia filed PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES (ECF No. 191) on October 20, 2023, and hereby incorporates by reference the list of witnesses contained therein: Katie S. Cox and Peter Conti-Brown. It is expected that Ms. Cox will be deposed on December 8, 2023, and Mr. Conti-Brown will be deposed on December 14, 2023. Each witness will be called to testify at the trial of this matter and will testify consistent with the opinions expressed in their reports and depositions.

17. Plaintiff reserves the right to call any proper foundation witnesses or rebuttal witnesses.

18. Plaintiff reserves the right to add additional witnesses or rebuttal witnesses as may be necessary or appropriate, including any witness identified by Defendants.

19. Plaintiff reserves the right to list additional witnesses as may be revealed in the course of discovery concerning the matters at issue in this case.

DATED this 4th day of December, 2023.

CUSTODIA BANK, INC., Plaintiff

By: /s/ Scott E. Ortiz
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served this day of December 4, 2023, addressed to:

Mark Van Der Weide
 Richard M. Ashton
 Joshua P. Chadwick
 Yvonne F. Mizusawa
 Yonatan Gelblum
 Katherine Pomeroy

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